

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DIVISION OF ALABAMA  
SOUTHERN DIVISION**

**ARTHUR BRIAN BOUDIN,**

\*

**Plaintiff,**

\*

**v.**

\*

**Case Number 07-18**

**ATM HOLDINGS, INC., d/b/a**

\*

**ATM CORPORATION of AMERICA, et al.,**

\*

**Defendants.**

**PLAINTIFF’S RESPONSE TO RENEWED MOTION TO DISMISS OF DEFENDANT  
ATM HOLDINGS**

COMES NOW Plaintiff and in response and opposition to the Renewed Motion to Dismiss filed by Defendant Residential Essentials, LLC, d/b/a ATM Corporation of America (“ATM”), hereby incorporates the arguments made in his earlier Legal Memorandum (Doc. 17) filed in response to ATM’s initial Motion to Dismiss. In further response and opposition to the renewed Motion to Dismiss, Plaintiff respectfully submits that the opinion rendered in *Morrisette v. Novastar Home Mortgage, et al.*, Case No. 1:06-cv-00578-WS-B, which is cited by ATM as support for its Renewed Motion to Dismiss, was wrongly decided for all the reasons set out in the Legal Memorandum filed by the plaintiffs in the factually similar case of *Edwards et al v. Accredited Home Lenders, Inc. et al*; In the U.S. District Court for the Southern District of Alabama; CV 07-160 (Doc. 50, Filed June 20, 2007). Plaintiff adopts the arguments stated in that Legal Memorandum regarding the *Morrisette* decision. A copy of the *Edwards* brief adopted herein is attached as Exhibit “A.”

Respectfully submitted this 27<sup>th</sup> day of June, 2007.

s/Kenneth J. Riemer  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will automatically send notification of such filing to the counsel of record.

s/Kenneth J. Riemer  
KENNETH J. RIEMER(RIEMK8712)